

IN THE HIGH COURT OF CHHATTISGARH JUDICATURE AT

BILASPUR

W.P. NO. 1002/2003

PETITIONER

Peel ~~Peel~~
:- Shri ~~Pil~~ Lal Patel, S/o Dharam
Singh, aged 57 years, Occupation
Teacher Uttar Bunyadi Shala
Aarang Distt. Raipur (C.G.), R/o
Aarang District Raipur (C.G.)

Versus

RESPONDENTS

:- 1. State of Chhattisgarh Through

Secretary Education Department
D.K.S. Bhawan ~~mantruly~~ ~~pastor~~ ~~mantruly~~
Raipur (C.G.)

Amendment incorporated

In view of court order

dated 2/1/2004

o. 2 : Board of Higher Secondary Education
M.P.
T.T. Nagar, Bhopal (M.P.).

Atul Pandey
7.1.04

o. 3 : Board of Higher Secondary Education
C.G.
Kurmi Boarding Raipur, Raipur (C.G.)

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION
OF INDIA

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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR**Single Bench: Hon'ble Shri Satish K. Agnihotri, J.****W. P. No. 1002 OF 2003**

Petitioner : Shri Peel Lal Patel

Versus

Respondents : State of Chhattisgarh &
Others

Shri Atul Pandey, counsel for the petitioner.

Smt. Anju Ahuja, Deputy Government Advocate for the
State.

Shri Shailendra Shukla, counsel for the respondent No.2.

ORAL ORDER**(24th July, 2006)**

1. The petitioner was appointed as Assistant Teacher on 10.2.1972 and posted at Kunjru Manjah, District Bilaspur, then Government of Madhya Pradesh. The date of birth recorded in his service book on the basis of Higher Secondary School Certificate was 1.2.1942. After completing 62 years of age of superannuation, the petitioner retired from the service in the month of February, 2004.
2. The petitioner has filed this petition on 10.12.2002, seeking relief to the effect that date of birth of the petitioner be corrected as 8.9.1945 and petitioner be retired accordingly. The petitioner has filed a certificate issued by the Janpad Sabha, Raigarh, where date of birth is recorded as 8.9.1945 as transfer certificate. The petitioner has further filed one certificate dated 7.11.2002 wherein, the date of birth is

mentioned as 8.9.1945. From the documents filed by the petitioner along with this petition, it appears that it was not produced earlier. Even otherwise, the Janpad Sabha, Raigarh, has no authority to issue transfer certificate and on that basis it cannot be concluded that the date of birth recorded in his service book i.e. 1.2.1942 was not correct.

3. However, even otherwise it is well settled principle of law that date of birth cannot be corrected at the fag end of the carrier, when the employee has remained silent through out his carrier. In the present case, the petitioner was appointed in February, 1972 and thereafter, for the first time when he was about to retire, the petitioner has filed this petition for correction of date of birth on the basis of some documents.
4. The petitioner was appointed as Assistant Teacher and the service book, it appears, was prepared on the basis of his educational qualification, where date of birth of the petitioner was recorded as 1.2.1942.
5. In view of aforementioned, there is no merit in this case. Accordingly, the petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gouri